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8 MI PUEBLO SAN JOSE, INC.

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10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 In re:

14 MI PUEBLO SAN JOSE, INC.,
15 Debtor.

Case No. 13-53893-ASW

Chapter 11

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18 **EX PARTE APPLICATION FOR ORDER SPECIALLY SETTING HEARING ON**
19 **MOTION TO EXTEND EXCLUSIVE PERIODS (11 U.S.C. §§1121(d))**

20 TO THE HONORABLE ARTHUR S. WEISSBRODT:

21 Debtor and debtor in possession Mi Pueblo San Jose, Inc. ("Mi Pueblo") hereby applies
22 to the Court for an order specially setting a hearing on the Motion To Extend Exclusive Periods
23 ("Exclusivity Motion") to November 8, 2013 at 2:15 p.m., the same date and time specially set
24 for hearing on Mi Pueblo's Motion to Extend Time to Assume or Reject Non-Residential Real
25 Property Leases (the "Lease Motion"). The reason for this request is that Mi Pueblo is
26 continuing to negotiate with its secured lender, Wells Fargo Bank, for continued financing while
27 also exploring replacement financing and evaluating claims in the case and, therefore, needs
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1 additional time to propose a feasible Plan of Reorganization. In order to give sufficient notice to
2 the required and interested parties and obtain an Order prior to the November 19, 2013
3 termination of the exclusive period to file a plan and obtain acceptances thereof set forth under
4 11 U.S.C. §§1121(c)(2) and 1121(c)(3), Mi Pueblo would need a hearing date in advance of the
5 Court's next regular motion calendar on November 22, 2013.

6 Mi Pueblo respectfully represents as follows in support of this Application:

7 1. On July 22, 2013, Mi Pueblo filed a voluntary petition under chapter 11. No
8 trustee has been appointed and Mi Pueblo is a debtor-in-possession of its assets pursuant to 11
9 U.S.C. §1107 and §1108.

10 2. Mi Pueblo operates twenty-one grocery stores, fifteen in the Bay Area, three in
11 the Central Coast and three in the Central Valley. Mi Pueblo also maintains a warehouse and
12 distribution center in Milpitas, offices in San Jose, and a workshop and storage facility.

13 3. The Bankruptcy Code allows a debtor one-hundred and twenty (120) days from
14 the entry of the Order for Relief (i.e., the commencement of the case) the exclusive right to file a
15 Plan of Reorganization. 11 U.S.C. §1121(b). For cause, the Court may reduce or increase the
16 120-day period or the 180-day period. 11 U.S.C. §1121(d)(1).

17 4. Currently, the exclusive periods for Mi Pueblo to file a plan and obtain
18 acceptances thereof set forth under 11 U.S.C. §§1121(c)(2) and 1121(c)(3) (the "Exclusivity
19 Period") is set for November 19, 2013, and January 18, 2014, respectively which Mi Pueblo
20 proposes to extend until February 17, 2014, and April 18, 2014, respectively.

21 5. Mi Pueblo continues to operate its business from all of its twenty-one locations
22 and would like an extension of the Exclusivity Period so that it could continue to evaluate its
23 reorganization efforts, profitability and ultimately determine how it plans to proceed with
24 financing its business.

25 6. From review of the Court's calendar, it appears the next regularly-scheduled
26 motion calendar available, after giving sufficient notice to interested parties, would be November
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22, 2013. This date would fall after the Exclusivity Period and Mi Pueblo prefers to have an Order of the Court granting an extension of the Exclusivity Period rather than just a Motion on file within that period.

WHEREFORE, Mi Pueblo respectfully requests that the Court specially set a hearing on the Exclusivity Motion, if convenient for the Court, at the same date and time as the Lease Motion on November 8, 2013 at 2:15 p.m.

Dated: October 8, 2013

BINDER & MALTER, LLP

By: /s/ Roya Shakoori

Roya Shakoori

Attorneys for Debtor and Debtor-in-possession Mi Pueblo San Jose, Inc.